

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**
Western Division

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

V.

THE COCA-COLA COMPANY,

Defendant.

CIVIL ACTION NO. C-1-02-393

Hon. Walter Herbert Rice (Chief Judge)

Hon. Sharon L. Ovington (Magistrate)

**THE COCA-COLA COMPANY’S UNOPPOSED MOTION FOR A ONE DAY
ENLARGEMENT OF TIME TO FILE A REPLY TO THE PROCTER & GAMBLE
COMPANY’S OPPOSITION TO THE COCA-COLA COMPANY’S MOTION FOR
“CLARIFICATION” OF STATUS OF P&G’S MOTION FOR LEAVE TO FILE A
SECOND AMENDED COMPLAINT**

The Coca-Cola Company (“Coca-Cola”), through counsel, respectfully moves for a one day enlargement of time to file a Reply to The Procter & Gamble Company’s (“P&G”) Opposition to Coca-Cola’s Motion for Clarification of the Status of P&G’s Motion for Leave to File a Second Amended Complaint. This is Coca-Cola’s first request for an enlargement of time to respond to P&G’s Opposition. Pursuant to the Local Rules, Counsel for Coca-Cola have consulted with counsel for P&G and believe that P&G does not oppose this motion. A proposed Order is attached.

Dated: September 15, 2004

Respectfully submitted,

Of Counsel:

Donald R. Dunner, Esq.
Gerald F. Ivey, Esq.
Christopher P. Isaac, Esq.
Robert L. Burns, Esq.
Christopher W. Day, Esq.
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street, N.W., Suite 700
Washington, DC 20005-3315
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Michael J. Kline, Esq.
Michael V. Kruljac, Esq.
THE COCA-COLA COMPANY
P.O. Box 1734
Atlanta, GA 30301
Telephone: (404) 676-3162
Facsimile: (404) 676-7636

/s/ Roger J. Makley

Roger J. Makley
Trial Attorney (Reg. No. 0018702)
COOLIDGE, WALL, WOMSLEY &
LOMBARD CO., L.P.A.
33 West First Street, Suite 600
Dayton, OH 45402
Telephone: (937) 223-8177
Facsimile: (937) 223-6705
E-mail: makley@coollaw.com

COUNSEL FOR DEFENDANT AND
COUNTERCLAIM-PLAINTIFF
THE COCA-COLA COMPANY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of THE COCA-COLA COMPANY'S UNOPPOSED MOTION FOR A ONE DAY ENLARGEMENT OF TIME TO FILE A REPLY TO THE PROCTER & GAMBLE COMPANY'S OPPOSITION TO THE COCA-COLA COMPANY'S MOTION FOR "CLARIFICATION" OF STATUS OF P&G'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT and PROPOSED ORDER was served on this 15th day of September, 2004, via Facsimile to Plaintiff's counsel:

Mark A. Vander Laan
Dinsmore & Shohl L.L.P.
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202-3172
(513) 977-8200

William F. Lee
David B. Bassett
Vinita Ferrera
Wilmer, Cutler, Pickering,
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

/s/ Robert L. Burns
Robert L. Burns